

PRELIMINARY DRAFT

TEXAS LEGISLATIVE COUNCIL
Special District Local
Laws Code
Chapter 5018
9/28/18

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2	COUNTY, TEXAS	
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3 CHAPTER 5018. ORANGE COUNTY NAVIGATION AND PORT DISTRICT OF ORANGE
4 COUNTY, TEXAS

5 SUBCHAPTER A. GENERAL PROVISIONS

6 Revised Law

7 Sec. 5018.0001. DEFINITIONS. In this chapter:

8 (1) "Board" means the district's board of
9 commissioners.

10 (2) "Commissioner" means a board member.

11 (3) "District" means the Orange County Navigation and
12 Port District of Orange County, Texas. (Acts 53rd Leg., R.S., Ch.
13 370, Sec. 1 (part); New.)

14 Source Law

15 Sec. 1. . . . [a District] to be known as Orange
16 County Navigation and Port District of Orange County,
17 Texas, . . . (hereinafter called the District). . . .

18 Revisor's Note

19 The revised law adds the definitions of "board"
20 and "commissioner" for drafting convenience and to
21 avoid frequent, unnecessary repetition of the
22 substance of the definitions.

23 Revised Law

24 Sec. 5018.0002. FINDINGS OF BENEFIT AND PURPOSE. (a) The
25 creation of the district is essential to accomplish the purposes of
26 Section 59, Article XVI, Texas Constitution, including, to the
27 extent authorized by this chapter:

28 (1) the supervision, maintenance, development,
29 extension, and improvement of navigation in the district;

30 (2) the maintenance, development, extension, and
31 improvement of port facilities and dock facilities in the district;
32 and

33 (3) the development of the Port of Orange in the
34 district.

35 (b) The district:

1 (1) is essential to the general welfare of this state
2 for the development of maritime shipping to and from the state's
3 ports;

4 (2) is in the interest of national defense, the Port of
5 Orange being strategically located on the Gulf Coast with an
6 inland-protected harbor and in a rapidly developing industrial area
7 in which shipyards and ship-storing basins are located; and

8 (3) will result in:

9 (A) material benefits and improvements to
10 district territory;

11 (B) the increase of the taxable value of property
12 in the district; and

13 (C) material benefit to that part of the state in
14 which the district is located.

15 (c) All property in the district and in this state will
16 benefit from the district and the improvements and facilities
17 acquired or constructed under this chapter. (Acts 53rd Leg., R.S.,
18 Ch. 370, Sec. 1 (part); Acts 55th Leg., R.S., Ch. 80, Sec. 4.)

19 Source Law

20 [Acts 53rd Leg., R.S., Ch. 370]

21 Sec. 1. There is hereby created within the State
22 of Texas, in addition to the Districts into which the
23 State has heretofore been divided, a District [to be
24 known as Orange County Navigation and Port District of
25 Orange County, Texas,] Such District shall be
26 and is hereby declared to be a governmental agency and
27 body politic and corporate . . . the creation of such
28 District is hereby determined to be essential to the
29 accomplishment of the purpose of Section 59 of Article
30 16 of the Constitution of the State of Texas including
31 (to the extent hereinafter authorized) the supervision
32 and the improvement of navigation and the maintenance,
33 development, extension and improvement of navigation
34 and the maintenance, development, extension and
35 improvement of port facilities, dock facilities and
36 the development of Port Orange within the boundaries
37 thereof as hereby established, which is declared to be
38 essential to the general welfare of the State of Texas
39 for the development of maritime shipping to and from
40 its ports, and in the interest of national defense; the
41 port of Orange being strategically located on the gulf
42 coast with an inland-protected harbor and in a rapidly
43 developing industrial area wherein shipyards and
44 ship-storing basins are located, and the creation of
45 said District will result in material benefits and
46 improvements to the territory included therein and in
47 the increase of taxable values of property included
48 therein, and result in material benefit to that

1 section of the State in which the District is located.
2 . . .

3 [Acts 55th Leg., R.S., Ch. 80]

4 Sec. 4. It is hereby found that all property,
5 both real and personal, within the District and within
6 the State of Texas is benefited by said District and
7 will be benefited by the improvements and facilities
8 to be acquired or constructed under the provisions of
9 this Act.

10 Revisor's Note

11 (1) Section 1, Chapter 370, Acts of the 53rd
12 Legislature, Regular Session, 1953, provides that the
13 district is "hereby created within the State of Texas,
14 in addition to the Districts into which the State has
15 heretofore been divided." The revised law omits the
16 reference to the district being "hereby created" as
17 executed. The revised law omits the reference to the
18 district's creation "within the State of Texas, in
19 addition to the Districts into which the State has
20 heretofore been divided" because the absence of the
21 language does not imply that the legislature could
22 create a district outside its jurisdiction or that the
23 district is not in addition to any other districts.

24 (2) Section 1, Chapter 370, Acts of the 53rd
25 Legislature, Regular Session, 1953, provides that the
26 district is "a governmental agency and body politic
27 and corporate." The revised law omits the quoted
28 language because it duplicates a portion of Section
29 59(b), Article XVI, Texas Constitution, which provides
30 that a district created under that section is a
31 governmental agency and a body politic and corporate.

32 (3) Section 1, Chapter 370, Acts of the 53rd
33 Legislature, Regular Session, 1953, refers to "Port
34 Orange" and the "port of Orange." The revised law
35 refers to the "Port of Orange" for consistency in
36 terminology throughout this chapter.

37 (4) Section 4, Chapter 80, Acts of the 55th
38 Legislature, Regular Session, 1957, refers to

1 "property, both real and personal." The revised law
2 omits the reference to "both real and personal"
3 because under Section 311.005(4), Government Code
4 (Code Construction Act), "property" means "real and
5 personal property."

6 Revised Law

7 Sec. 5018.0003. DISTRICT TERRITORY. (a) The district's
8 boundaries are coextensive with the boundaries of Orange County,
9 unless the district's territory has been modified under:

10 (1) Section 3 or 3a, Chapter 103, Acts of the 41st
11 Legislature, 1st Called Session, 1929 (Article 8263a, Vernon's
12 Texas Civil Statutes), before August 30, 1971;

13 (2) Subchapter H, Chapter 62, Water Code; or

14 (3) other law.

15 (b) The district includes all of the property within the
16 district's boundaries. (Acts 53rd Leg., R.S., Ch. 370, Sec. 1
17 (part); New.)

18 Source Law

19 Sec. 1. . . . [Orange County Navigation and
20 Port District of Orange County, Texas,] situated in
21 Orange County, Texas, with boundaries as hereinafter
22 set out

23 The boundaries of said District shall be
24 coextensive with the boundaries of Orange County,
25 Texas, and said District shall include all of the lands
26 and other property, both real and personal, within the
27 boundaries of said District.

28 Revisor's Note

29 (1) Section 1, Chapter 370, Acts of the 53rd
30 Legislature, Regular Session, 1953, contains a
31 description of the district's territory. That
32 description may not be accurate on the effective date
33 of the revised law or at the time of a later reading
34 because the district's boundaries are subject to
35 change. For the reader's convenience, the revised law
36 includes a reference to authority to change the
37 district's territory under general law. This
38 authority was formerly located in Sections 3 and 3a,

Chapter 103, Acts of the 41st Legislature, 1st Called Session, 1929 (Article 8263a, Vernon's Texas Civil Statutes). Chapter 58, Acts of the 62nd Legislature, Regular Session, 1971, which took effect August 30, 1971, codified those provisions in Subchapter H, Chapter 62, Water Code. The revised law also includes a reference to the general authority of the legislature to enact other laws to change the district's territory.

(2) Section 1, Chapter 370, Acts of the 53rd Legislature, Regular Session, 1953, refers to "lands and other property, both real and personal." The revised law omits the reference to "lands" because "lands" is included in the meaning of "property." The revised law omits the reference to "both real and personal" for the reason stated in Revisor's Note (4) to Section 5018.0002.

Revised Law

Sec. 5018.0004. LIBERAL CONSTRUCTION OF CHAPTER. This chapter shall be liberally construed to effect its purposes. (Acts 53rd Leg., R.S., Ch. 370, Sec. 19.)

Source Law

Sec. 19. This Act and all the terms and provisions hereof shall be liberally construed to effectuate the purposes set forth herein.

SUBCHAPTER B. DISTRICT ADMINISTRATION

Revised Law

Sec. 5018.0051. BOARD OF COMMISSIONERS; TERM; ELECTION.

(a) The district is governed by a board composed of five elected commissioners.

(b) Commissioners serve staggered four-year terms.

(c) The district shall hold an election in the district on the uniform election date in May of each even-numbered year to elect commissioners.

(d) The board has the rights and powers conferred and

1 imposed on navigation and canal commissioners and commissioners
2 courts by Chapter 62, Water Code. (Acts 53rd Leg., R.S., Ch. 370,
3 Secs. 3 (part), 8(a) (part), (c).)

4 Source Law

5 Sec. 3. The management and control of said
6 District is hereby vested in a Board of Commissioners,
7 which shall be composed of five (5) persons,
8 Said Board of Commissioners shall have and exercise
9 the rights, powers, and authority conferred and
10 imposed upon navigation and canal commissioners and
11 commissioners' courts by Chapter 5, Acts of the
12 Thirty-ninth Legislature of Texas, 1925 (Article
13 8263h, Vernon's Texas Civil Statutes), as the same is
14 now or hereafter may be amended, and

15 Sec. 8. (a) The District shall hold an election
16 in the District on the first Saturday of May in each
17 even-numbered year for the election of five (5)
18 Commissioners,

19 (c) Except as provided by Subsection (d) of this
20 section, the Commissioners serve staggered four-year
21 terms.

22 Revisor's Note

23 (1) Section 3, Chapter 370, Acts of the 53rd
24 Legislature, Regular Session, 1953, provides that
25 "management and control of said District is hereby
26 vested in" the board. The revised law substitutes "is
27 governed by" for the quoted language because in
28 context the phrases have the same meaning and the
29 latter phrase is more consistent with modern usage.

30 (2) Section 3, Chapter 370, Acts of the 53rd
31 Legislature, Regular Session, 1953, refers to the
32 board's "powers" and "authority." The revised law
33 omits the reference to "authority" because, in
34 context, "authority" is included in the meaning of
35 "powers."

36 (3) Section 3, Chapter 370, Acts of the 53rd
37 Legislature, Regular Session, 1953, refers to "Chapter
38 5, Acts of the Thirty-ninth Legislature of Texas, 1925
39 (Article 8263h, Vernon's Texas Civil Statutes), as the
40 same is now or hereafter may be amended." Chapter 5,
41 General Laws, Acts of the 39th Legislature, Regular

1 Session, 1925, was set out in the Revised Civil
2 Statutes of 1925, following Article 8263, as
3 additional legislation. Chapter 5 was not assigned a
4 specific article number, but for purposes of clarity,
5 West Group, a private legal publisher, supplied an
6 unofficial citation and designated Chapter 5 as
7 Article 8263h of those statutes published under the
8 title Vernon's Texas Civil Statutes. Article 8263h,
9 Vernon's Texas Civil Statutes, was subsequently
10 codified as part of Chapter 62, Water Code, by Chapter
11 58, Acts of the 62nd Legislature, Regular Session,
12 1971. Consequently, the revised law substitutes a
13 reference to Chapter 62, Water Code. Although Chapter
14 62, Water Code, includes provisions that were not part
15 of Article 8263h, the reference to Chapter 62, Water
16 Code, is nevertheless appropriate because Section 2,
17 Chapter 370, Acts of the 53rd Legislature, Regular
18 Session, 1953 (revised in pertinent part in this
19 chapter as Section 5018.0101), provides that the
20 district has all powers, rights, privileges, and
21 functions conferred by general law on navigation
22 districts created or operating under Section 59,
23 Article XVI, Texas Constitution, and Chapter 62, Water
24 Code, is such a general law.

25 The revised law omits the reference to "as the
26 same is now or hereafter may be amended" as
27 unnecessary. Section 311.027, Government Code (Code
28 Construction Act), applicable to the revised law,
29 states that a reference to a statute includes all
30 reenactments, revisions, or amendments of that
31 statute.

32 (4) Section 8(a), Chapter 370, Acts of the 53rd
33 Legislature, Regular Session, 1953, as amended by
34 Chapter 723, Acts of the 71st Legislature, Regular

1 Session, 1989, requires commissioners' elections to be
2 held on the "first Saturday of May." From 1987 to
3 2003, Section 41.001, Election Code, provided for a
4 uniform election date for all political subdivisions
5 on the first Saturday in May. In Chapter 1315, Acts of
6 the 78th Legislature, Regular Session, 2003, the
7 legislature amended Section 41.001 by moving the
8 uniform election date in May to the third Saturday. In
9 Chapter 1, Acts of the 78th Legislature, 3rd Called
10 Session, 2003, the legislature amended Section 41.001
11 by moving the uniform election date in May back to the
12 first Saturday. In Chapter 471, Acts of the 79th
13 Legislature, Regular Session, 2005, the legislature
14 amended Section 41.001 by moving the uniform election
15 date in May to the second Saturday. The revised law
16 substitutes "uniform election date in May" for "first
17 Saturday of May" to reflect those changes while
18 preserving as closely as possible the legislative
19 intent expressed in the 1989 amendment to Section 8(a)
20 that the election be held on the first Saturday of May,
21 which was then the uniform election date in May.

22 (5) Section 8(c), Chapter 370, Acts of the 53rd
23 Legislature, Regular Session, 1953, provides that
24 commissioners serve staggered terms of four years,
25 "[e]xcept as provided by Subsection (d) of this
26 section." The revised law omits the quoted language as
27 unnecessary because Section 8(d), Chapter 370, Acts of
28 the 53rd Legislature, Regular Session, 1953, to which
29 the quoted language refers, is omitted from the
30 revised law for the reason stated in Revisor's Note (6)
31 to this section.

32 (6) Section 8(d), Chapter 370, Acts of the 53rd
33 Legislature, Regular Session, 1953, contains
34 transition language regarding commissioners'

1 elections for the years 1990 and 1992 and the terms of
2 office of the commissioners elected at those
3 elections. Section 8(d) also establishes a pattern
4 under which two specific positions on the board are
5 elected in 1992 and every fourth year thereafter, and
6 the remaining three specific positions are elected in
7 1994 and every fourth year thereafter. The revised law
8 omits the language related to the 1990 and 1992
9 elections as executed because the elections have been
10 held and the terms of office of those commissioners
11 have expired. To the extent the omitted language
12 establishes a pattern under which specific positions
13 are on the ballot, retaining the language is
14 unnecessary because Section 8(c), Chapter 370, Acts of
15 the 53rd Legislature, Regular Session, 1953, revised
16 in this chapter as Section 5018.0051(b), requires that
17 the commissioners serve staggered four-year terms;
18 accordingly, the district must hold elections
19 following that established pattern. The omitted law
20 reads:

21 (d) In the District's 1990
22 Commissioner's election, the persons
23 elected to represent Precinct Two (2) and
24 Precinct Three (3) serve two-year terms.
25 The persons elected to represent Precinct
26 One (1), Precinct Four (4), and the District
27 at large serve four-year terms. In the
28 District's 1992 Commissioner's election,
29 the persons elected to represent Precinct
30 Two (2) and Precinct Three (3) serve
31 four-year terms.

32 Revised Law

33 Sec. 5018.0052. COMPOSITION OF BOARD; QUALIFICATIONS. (a)
34 One commissioner must reside in each county commissioners precinct
35 of Orange County and one commissioner must reside in the county at
36 large.

37 (b) Each commissioner must:

- 38 (1) be a qualified voter of the district; and
39 (2) own taxable real property located in the district.

1 (c) The candidates receiving the highest number of votes
2 from each county commissioners precinct and the county at large
3 shall be declared elected. (Acts 53rd Leg., R.S., Ch. 370, Secs. 3
4 (part), 8(a) (part).)

5 Source Law

6 Sec. 3. . . . [a Board of Commissioners, which
7 shall be composed of five (5) persons,] one (1) who
8 shall reside in Precinct 1 of Orange County, one (1)
9 who shall reside in Precinct 2 of Orange County, one
10 (1) who shall reside in Precinct 3 of Orange County,
11 one (1) who shall reside in Precinct 4 of Orange
12 County, and one (1) who shall reside in Orange County
13 at large and shall be qualified voters therein who own
14 real property therein which has been duly rendered for
15 taxation. . . .

16 Sec. 8. (a) . . . five (5) Commissioners, four
17 (4) of whom shall reside in the respective
18 Commissioners' Precincts of Orange County and one of
19 whom shall reside in said County at large and all of
20 whom shall possess the other qualifications as set
21 forth in Section 3 of this Act. Those receiving the
22 highest number of votes for the respective places from
23 said Precincts One (1), Two (2), Three (3), Four (4),
24 and the County at large on said Commission shall be
25 declared elected.

26 Revisor's Note

27 Section 3, Chapter 370, Acts of the 53rd
28 Legislature, Regular Session, 1953, provides that
29 commissioners must own "real property" located in the
30 district "which has been duly rendered for taxation."
31 The revised law omits the language relating to
32 rendering property for taxation because the Tax Code
33 does not require that real property be rendered for
34 taxation. However, the revised law adds "taxable" to
35 the reference to "real property" to preserve the
36 legislature's intent that a commissioner own real
37 property in the district that is subject to taxation.

38 Revised Law

39 Sec. 5018.0053. POLLING PLACES. For all elections held
40 under this chapter, the board, in each election order, shall
41 designate the number and location of polling places, provided that
42 at least one polling place is located in each of the county
43 commissioners precincts. (Acts 53rd Leg., R.S., Ch. 370, Sec. 17

1 (part).)

2 Source Law

3 Sec. 17. . . . For all elections called and held
4 under the provisions of this Act, the number and
5 location of boxes shall be established and set by the
6 Board of Commissioners in the order calling the
7 election, provided however, that at least one voting
8 box will be established and set in each of the
9 Commissioners' precincts.

10 Revisor's Note

11 (1) Section 17, Chapter 370, Acts of the 53rd
12 Legislature, Regular Session, 1953, refers to an
13 election "called and held." Throughout this chapter,
14 the revised law omits references to calling an
15 election or other similar language because under
16 Chapter 3, Election Code, all elections must be
17 ordered (called) before they may be held.

18 (2) Section 17, Chapter 370, Acts of the 53rd
19 Legislature, Regular Session, 1953, refers to "boxes"
20 and a "voting box." The revised law substitutes
21 "polling places" and "polling place" for the quoted
22 language because, in context, the meanings of the
23 terms are the same and "polling place" is more commonly
24 used.

25 (3) Section 17, Chapter 370, Acts of the 53rd
26 Legislature, Regular Session, 1953, provides that the
27 number and location of boxes or voting boxes shall be
28 "established and set" by the board. The revised law
29 substitutes "designate" for the quoted language to
30 conform to the language used in Chapter 43, Election
31 Code.

32 Revised Law

33 Sec. 5018.0054. COMMISSIONER'S OATH AND BOND. Not later
34 than the 10th day after the date of the commissioner's election,
35 each commissioner shall:

36 (1) take and subscribe an oath of office with
37 conditions in the oath as provided by law for members of the county

1 commissioners court; and

2 (2) enter into a good and sufficient bond in the amount
3 of \$1,000 payable to the district, conditioned on the faithful
4 performance of the commissioner's duties as a commissioner. (Acts
5 53rd Leg., R.S., Ch. 370, Sec. 13.)

6 Source Law

7 Sec. 13. Each of the Commissioners within ten
8 (10) days after his election, shall take and subscribe
9 an oath of office with conditions therein as provided
10 by law for members of the County Commissioners' Court,
11 and enter into a good and sufficient bond in the sum of
12 One Thousand Dollars (\$1,000) payable to the District,
13 conditioned upon his faithful performance of his
14 duties.

15 Revised Law

16 Sec. 5018.0055. COMPENSATION OF COMMISSIONERS; EXPENSES.

17 (a) At the first meeting after each election, the commissioners by
18 order shall set the amount of compensation to be received by a
19 commissioner for each day served, not to exceed \$600 per year, plus
20 actual traveling expenses.

21 (b) Each month or as soon as practicable following each
22 month, each commissioner shall file with the district's secretary a
23 statement showing the amount owed to the commissioner. A check may
24 not be issued to the commissioner until the commissioner has filed
25 the statement with the secretary. (Acts 53rd Leg., R.S., Ch. 370,
26 Sec. 10.)

27 Source Law

28 Sec. 10. The Commissioners shall by order at the
29 first meeting after each election set and establish
30 the compensation to be received by each Commissioner
31 for his services, for each day served, provided that
32 such compensation shall not exceed Six Hundred Dollars
33 (\$600.00) per year, plus actual traveling expenses.
34 Each Commissioner shall file with the Secretary a
35 statement showing the amount due him each month or as
36 soon thereafter as practicable, and before a check
37 shall be issued therefor.

38 Revisor's Note

39 Section 10, Chapter 370, Acts of the 53rd
40 Legislature, Regular Session, 1953, provides that the
41 commissioners shall "set and establish" the
42 compensation of commissioners. The revised law omits

1 "establish" because, in context, "establish" is
2 included in the meaning of "set."

3 Revised Law

4 Sec. 5018.0056. VACANCIES. (a) A vacancy on the board
5 shall be filled by board appointment until the next commissioners'
6 election. If the vacant position is not regularly scheduled to be
7 filled at that election, the person elected to fill the position
8 serves only for the remainder of the unexpired term.

9 (b) A person appointed under this section must have the same
10 qualifications as a person elected to the board. (Acts 53rd Leg.,
11 R.S., Ch. 370, Sec. 8(e).)

12 Source Law

13 (e) All vacancies on the Board of Commissioners
14 shall be filled by appointment of the Board until the
15 next Commissioner's election, and a person so
16 appointed shall possess the same qualifications as a
17 person elected to such office. If the vacant position
18 is not regularly scheduled to be filled at the next
19 Commissioner's election, the person elected to fill
20 the vacancy serves only for the remainder of the
21 unexpired term.

22 Revised Law

23 Sec. 5018.0057. OFFICERS AND EMPLOYEES. (a) As soon as
24 practicable after each election of commissioners, the board shall
25 elect a president, vice president, and secretary and treasurer.

26 (b) The board may:

27 (1) employ a port director and other officers as
28 required to manage and operate the district and, subject to the
29 board's orders, delegate that authority;

30 (2) employ and prescribe the duties of officers,
31 agents, and employees;

32 (3) set the compensation of officers, agents, and
33 employees; and

34 (4) remove any employee. (Acts 53rd Leg., R.S., Ch.
35 370, Secs. 2 (part), 7, 11 (part).)

36 Source Law

37 Sec. 2. . . . Without limitation of the
38 generality of the foregoing, the District shall have
39 and is hereby authorized to exercise the following

1 powers, rights, privileges, and functions:

2 . . .
3 (f) To employ officers, agents and employees, to
4 prescribe their duties and to fix their compensation.
5 . . .

6 Sec. 7. As soon as practicable after the
7 election of the first Board of Commissioners, and as
8 soon as practicable after the election of each
9 succeeding Board of Commissioners, there shall be
10 elected by the Board a President, Vice-President, and
11 Secretary and Treasurer of the District to serve
12 during the tenure of office of the Board of
13 Commissioners so electing such officers.

14 Sec. 11. The Commissioners may employ a port
15 director and/or such other officers as may be required
16 for the management and operation of the District and
17 may delegate such authority subject to the orders of
18 the Board of Commissioners. Compensation to be paid
19 such officials and all employees shall be fixed by the
20 Board of Commissioners and all employees may be
21 removed by the Board.
22 . . .

23 Revisor's Note

24 (1) Section 2, Chapter 370, Acts of the 53rd
25 Legislature, Regular Session, 1953, states that,
26 "[w]ithout limitation of the generality of the
27 foregoing," the district has certain powers.
28 Throughout this chapter, the revised law omits the
29 quoted or similar language because it is an accepted
30 general principle of statutory construction that a
31 grant of a power does not act as a limitation.
32 Additionally, Section 311.021(2), Government Code
33 (Code Construction Act), provides that it is presumed
34 that, in enacting a statute, the entire statute is
35 intended to be effective.

36 (2) Section 2, Chapter 370, Acts of the 53rd
37 Legislature, Regular Session, 1953, provides that the
38 district "shall have and is hereby authorized to
39 exercise" certain powers, rights, privileges, and
40 functions. Throughout this chapter, the revised law
41 substitutes "has" or "may" for the quoted language
42 because, in context, the language is synonymous, and
43 "has" and "may" are more commonly used.

44 (3) Section 2(f), Chapter 370, Acts of the 53rd

Legislature, Regular Session, 1953, provides that the district has the authority to "fix" the compensation of officers, agents, and employees employed by the district. Section 11, Chapter 370, Acts of the 53rd Legislature, Regular Session, 1953, provides that the compensation of the district officials and employees shall be "fixed" by the board. The revised law substitutes "set" for "fix" and "fixed" because the terms are synonymous in this context and "set" is more commonly used.

(4) Section 7, Chapter 370, Acts of the 53rd Legislature, Regular Session, 1953, requires the board to elect officers "[a]s soon as practicable after the election of the first Board of Commissioners." The revised law omits the quoted language as executed.

(5) Section 7, Chapter 370, Acts of the 53rd Legislature, Regular Session, 1953, refers to "each succeeding Board of Commissioners" to distinguish between succeeding boards of commissioners and the initial board of commissioners referred to in that section. The revised law omits "succeeding" because all provisions referring to the initial board are omitted as executed and the distinction is no longer required.

Revised Law

Sec. 5018.0058. OFFICER'S OR EMPLOYEE'S SURETY BOND. (a) A bond required of a district officer or employee must be executed by a surety company authorized to do business in this state as surety on the bond.

(b) The district may pay the premium on the bond. (Acts 53rd Leg., R.S., Ch. 370, Sec. 11 (part).)

Source Law

Sec. 11. . . .
All bonds required to be given by officers and employees of the District shall be executed by a surety

1 company authorized to do business in the State as
2 surety thereon, and the District shall be authorized
3 to pay the premium on such bonds.

4 Revised Law

5 Sec. 5018.0059. DISTRICT OFFICE. A regular office shall be
6 established and maintained for conducting district business in the
7 district's territory. (Acts 53rd Leg., R.S., Ch. 370, Sec. 9
8 (part).)

9 Source Law

10 Sec. 9. . . . A regular office shall be
11 established and maintained for conduct of the District
12 business within the District.

13 Revised Law

14 Sec. 5018.0060. CONFLICT OF INTEREST; CRIMINAL PENALTY.
15 (a) A district commissioner, engineer, or employee, personally or
16 as an agent for another person, may not benefit directly or
17 indirectly from a sale, purchase, or contract entered into by the
18 board.

19 (b) A person commits an offense if the person violates this
20 section. An offense under this subsection is a misdemeanor
21 punishable by:

22 (1) a fine not to exceed \$1,000;

23 (2) confinement in the county jail for not less than
24 six months or more than one year; or

25 (3) both the fine and confinement. (Acts 53rd Leg.,
26 R.S., Ch. 370, Sec. 11 (part).)

27 Source Law

28 Sec. 11. . . .
29 No Commissioner, engineer or employee of the
30 District, either for themselves or as agent for anyone
31 else, shall benefit directly or indirectly by reason
32 of any sale, purchase or contract entered into by the
33 Board. If any such person shall directly or indirectly
34 become interested in any such contract, sale, or
35 purchase, he shall be guilty of a misdemeanor and upon
36 conviction thereof shall be punished by a fine in any
37 sum of not to exceed One Thousand Dollars (\$1,000) or
38 by confinement in the county jail for not less than six
39 (6) months nor more than one (1) year or by both fine
40 and imprisonment.

41 . . .

Revisor's Note
(End of Subchapter)

(1) Section 8(b), Chapter 370, Acts of the 53rd Legislature, Regular Session, 1953, provides that all elections for commissioners shall be called by the board of commissioners. The revised law omits that provision as unnecessary because it duplicates in substance Section 3.004(a)(3), Election Code, applicable to the district under Sections 1.002 and 3.001, Election Code, which provides that the governing body of a political subdivision that has elective offices shall order the general election for those officers. The omitted law reads:

(b) All elections for Commissioners shall be called by the Board of Commissioners, and

(2) Section 8(b), Chapter 370, Acts of the 53rd Legislature, Regular Session, 1953, provides that the board shall canvass the election returns and declare the results of elections of commissioners. The revised law omits that provision as superseded by the 1985 enactment of the Election Code, applicable to the district under Section 1.002, Election Code. Chapter 67, Election Code, provides for the canvass of elections. The omitted law reads:

(b) . . . said Board shall also canvass the election returns and declare the results of such election, and

(3) Section 8(b), Chapter 370, Acts of the 53rd Legislature, Regular Session, 1953, provides for the eligibility of voters to vote in a commissioners' election. The revised law omits that provision because Chapter 11, Election Code, applicable to the district under Section 1.002, Election Code, governs eligibility to vote in an election in this state and allows only qualified voters who are residents of the territory covered by the election to vote in an

election. The omitted law reads:

(b) . . . all duly qualified resident electors of the District shall be qualified to vote in such elections.

(4) Section 8(f), Chapter 370, Acts of the 53rd Legislature, Regular Session, 1953, provides that, except as provided by that section, a commissioners' election is governed by the Election Code. The revised law omits that provision because Section 1.002, Election Code, provides that the Election Code applies to all elections held in this state. An exception to the application of the Election Code would apply by its own terms. The omitted law reads:

(f) Except as provided by this section, a Commissioner's election is governed by the Election Code.

SUBCHAPTER C. POWERS AND DUTIES

Revised Law

Sec. 5018.0101. GENERAL AND NAVIGATION DISTRICT POWERS.

The district has:

(1) the powers of government and the authority to exercise the rights, privileges, and functions specified by this chapter; and

(2) all powers, rights, privileges, and functions conferred by general law, including Chapter 62, Water Code, on any navigation district created or operating under Section 59, Article XVI, Texas Constitution. (Acts 53rd Leg., R.S., Ch. 370, Secs. 1 (part), 2 (part), 3 (part).)

Source Law

Sec. 1. . . . Such District . . . with the powers of government and with the authority to exercise the rights, privileges and functions hereinafter specified, and

Sec. 2. Except as expressly limited by this Act, the District shall have and is hereby authorized to exercise all powers, rights, privileges, and functions which are now, or hereafter may be, conferred by general law upon any navigation district or districts created pursuant to, or operating under, Section 59, Article 16, Constitution of Texas. . . .

Sec. 3. . . . [Chapter 5, Acts of the Thirty-ninth Legislature of Texas, 1925 (Article

1 8263h, Vernon's Texas Civil Statutes)] . . . said
2 Chapter 5 shall in all ways apply to the District
3 except as the same may be in conflict or inconsistent
4 with the provisions of this Act, in which event or
5 events the provisions of this Act shall control. . . .

6 Revisor's Note

7 (1) Section 2, Chapter 370, Acts of the 53rd
8 Legislature, Regular Session, 1953, provides that
9 "[e]xcept as expressly limited by this Act," the
10 district has all powers, rights, privileges, and
11 functions "which are now, or hereafter may be"
12 conferred on navigation districts by general law.
13 Section 3, Chapter 370, Acts of the 53rd Legislature,
14 Regular Session, 1953, provides that certain
15 provisions of general law apply to the district
16 "except as the same may be in conflict or inconsistent
17 with the provisions of this Act, in which event or
18 events the provisions of this Act shall control." The
19 revised law omits the quoted provisions because they
20 are both unnecessary and potentially misleading. To
21 the extent the provisions mean that the act prevails
22 over other law in existence at the time the act became
23 effective and with which the act conflicts, the
24 provisions merely restate general rules of statutory
25 construction, and any limitations expressed in the act
26 would apply by their own terms. To the extent the
27 provisions mean the act prevails over future
28 enactments of the legislature that may conflict with
29 it, the provisions are misleading. It is a fundamental
30 principle of statutory construction that one session
31 of the legislature may not bind a future session of the
32 legislature. In addition, Section 311.026, Government
33 Code (Code Construction Act), governs the
34 interpretation of the revised law in instances of
35 apparent conflict with other laws.

36 (2) Section 3, Chapter 370, Acts of the 53rd

Legislature, Regular Session, 1953, refers to "said Chapter 5," meaning Chapter 5, General Laws, Acts of the 39th Legislature, Regular Session, 1925. The revised law substitutes a reference to Chapter 62, Water Code, for the quoted language for the reason stated in Revisor's Note (3) to Section 5018.0051.

Revised Law

Sec. 5018.0102. POWERS REGARDING WHARVES, DOCKS, AND OTHER FACILITIES. The district may:

(1) acquire, take over, construct, maintain, repair, operate, develop, and regulate wharves, docks, warehouses, grain elevators, dumping facilities, belt railways, lands, and other facilities or aids consistent with or necessary to the operation or development of ports or waterways in the district; and

(2) construct, extend, improve, repair, maintain, and reconstruct, cause to be constructed, extended, improved, repaired, maintained, and reconstructed, and own, rent, lease, use, and operate any facility of any kind necessary or convenient to the exercise of the powers, rights, privileges, and functions granted by this chapter. (Acts 53rd Leg., R.S., Ch. 370, Sec. 2 (part).)

Source Law

Sec. 2. . . . the District shall have and is hereby authorized to exercise the following powers, rights, privileges, and functions:

(a) The right, power and authority to acquire, purchase, take over, construct, maintain, repair, operate, develop and regulate wharves, docks, warehouses, grain elevators, dumping facilities, belt railways, lands and all other facilities or aids consistent to or necessary to the operation or development of ports or waterways within the District; and

(b) To construct, extend, improve, repair, maintain, and reconstruct, cause to be constructed, extended, improved, repaired, maintained and reconstructed, and to own, rent, lease, use and operate any and all facilities of any kind necessary or convenient to the exercise of such powers, rights, privileges and functions, as are herein granted.

. . .

Revisor's Note

Section 2(a), Chapter 370, Acts of the 53rd Legislature, Regular Session, 1953, grants the

1 district the power to "acquire" and "purchase" certain
2 property. The revised law omits the reference to
3 "purchase" because "purchase" is included in the
4 meaning of "acquire."

5 Revised Law

6 Sec. 5018.0103. LIMITATION ON CERTAIN POWERS. This chapter
7 may not be construed as granting the district or the board any power
8 over the appointment, operations, or conduct of:

9 (1) a branch pilot appointed under Section 69.037,
10 Transportation Code; or

11 (2) the board of pilot commissioners described by
12 Section 69.011, Transportation Code. (Acts 53rd Leg., R.S., Ch.
13 370, Sec. 2(j) (part).)

14 Source Law

15 (j) Nothing contained in this Act shall be
16 construed as granting the District or the Board of
17 Commissioners thereof any power or authority over the
18 appointment, operations, or conduct of the Branch
19 Pilots of the Sabine Bar and the Pilots Commission of
20 the Sabine Bar,

21 Revisor's Note

22 (1) Section 2(j), Chapter 370, Acts of the 53rd
23 Legislature, Regular Session, 1953, refers to the
24 district's or board's "power or authority." The
25 revised law omits the reference to "authority" for the
26 reason stated in Revisor's Note (2) to Section
27 5018.0051.

28 (2) Section 2(j), Chapter 370, Acts of the 53rd
29 Legislature, Regular Session, 1953, refers to "the
30 Branch Pilots of the Sabine Bar and the Pilots
31 Commission of the Sabine Bar." Chapter 745, Acts of
32 the 78th Legislature, Regular Session, 2003, amended
33 Chapter 69, Transportation Code, to provide for a
34 specific board of pilot commissioners for all of the
35 ports and private terminals located in Jefferson and
36 Orange Counties and to provide for the appointment and

1 regulation of branch pilots for those ports and
2 private terminals, effectively replacing the Pilots
3 Commission of the Sabine Bar. The revised law is
4 drafted accordingly.

5 (3) Section 2(j), Chapter 370, Acts of the 53rd
6 Legislature, Regular Session, 1953, provides that it
7 is the intent of the legislature to exclude certain
8 entities from the operation of that act. The revised
9 law omits that provision as unnecessary because it is
10 implied that a statute expresses the intent of the
11 legislature. The omitted law reads:

12 (j) . . . it being the intent of the
13 Legislature to exclude the Branch Pilots of
14 the Sabine Bar and Tributaries and the
15 Pilots Commission of said Bar from the
16 operation of any part of this Act.

17 Revised Law

18 Sec. 5018.0104. BYLAWS AND RULES. The district may adopt
19 bylaws and rules to manage and regulate its affairs. (Acts 53rd
20 Leg., R.S., Ch. 370, Sec. 2 (part).)

21 Source Law

22 Sec. 2. . . . the District shall have and is
23 hereby authorized to exercise the following powers,
24 rights, privileges, and functions:

25 . . .
26 (e) To make by-laws, rules and regulations for
27 the management and regulation of its affairs.
28 . . .

29 Revisor's Note

30 Section 2(e), Chapter 370, Acts of the 53rd
31 Legislature, Regular Session, 1953, authorizes the
32 district to "make by-laws, rules and regulations."
33 The revised law substitutes "adopt" for "make"
34 because, in context, the terms are synonymous and
35 "adopt" is more commonly used. The revised law also
36 omits the reference to "regulations" because under
37 Section 311.005(5), Government Code (Code
38 Construction Act), a rule is defined to include a
39 regulation.

Revised Law

Sec. 5018.0105. ACQUISITION OF PROPERTY; EMINENT DOMAIN; DAMAGES. (a) In this section, "property" means property of any kind, including a lighter, a tug, a barge, and other floating equipment of any nature.

(b) If necessary or convenient to exercising a power, right, privilege, or function conferred on the district by this chapter, the district:

(1) by gift or purchase may acquire property or an interest in property that is inside or outside the district's boundaries; or

(2) by exercising the power of eminent domain may acquire property or an interest in property that is inside the district's boundaries.

(c) The district may exercise the power of eminent domain to acquire the fee simple title to or an easement or right-of-way over and through any land, water, or land under water, private or public, in the district that the board determines is necessary or convenient to carry out a purpose or power granted to the district by this chapter.

(d) The district must exercise the power of eminent domain in the manner provided by Chapter 21, Property Code, except that the district is not required to give bond for appeal or bond for costs in any judicial proceeding.

(e) In exercising the power of eminent domain against a person that has the power of eminent domain or a receiver or trustee for that person, the district may acquire an easement only and not the fee simple title.

(f) A condemnation proceeding is under the board's direction and must be in the district's name.

(g) Except as provided by Subsections (h) and (i), the assessment of damages and all procedures with reference to condemnation, appeal, and payment must conform to Chapter 21, Property Code.

1 (h) If the district's exercise of a power granted by this
2 chapter makes necessary the relocation of a railroad line or
3 right-of-way, the district shall pay the cost of the relocation and
4 any damage incurred in changing and adjusting the railroad lines
5 and grades.

6 (i) The damages to the owner of public utilities and
7 communication facilities and properties must include the actual
8 loss, costs, and expenses incident to the removal and relocation of
9 the facilities and properties, including:

10 (1) the costs of installing the facilities in a new
11 location;

12 (2) the costs of any land or rights or interest in
13 land; and

14 (3) any other property rights acquired to accomplish
15 the removal and relocation.

16 (j) The district's authority under this section to exercise
17 the power of eminent domain expired on September 1, 2013, unless the
18 district submitted a letter to the comptroller in accordance with
19 Section 2206.101(b), Government Code, not later than December 31,
20 2012. (Acts 53rd Leg., R.S., Ch. 370, Sec. 2 (part); New.)

21 Source Law

22 Sec. 2. . . . the District shall have and is
23 hereby authorized to exercise the following powers,
24 rights, privileges, and functions:

25 . . .
26 (i) To acquire by gift or purchase any and all
27 properties of any kind including lighters, tugs,
28 barges and other floating equipment of any nature,
29 real, personal or mixed or any interest therein within
30 or outside of the boundaries of the District necessary
31 or convenient to the exercise of the powers, rights,
32 privileges and functions conferred upon it by this
33 Act, and to acquire by condemnation within the
34 boundaries of the District in a manner provided by
35 general law for condemnation by counties; providing
36 that the District shall not be required to give bond
37 for appeal or bond for cause in any judicial
38 proceeding; and the right of eminent domain is
39 expressly conferred in this District, to enable it to
40 acquire the fee simple title to, and easement or right
41 of way over and through, any and all lands, water or
42 lands under water, private or public, within such
43 District, which in the judgment of the Board of
44 Commissioners is necessary or convenient to carry out
45 any of the purposes and powers conferred upon such
46 District by this Act; provided, however, that as

1 against persons, firms and corporations, or receivers
2 or trustees thereof, who have the power of eminent
3 domain, the fee title may not be condemned, but the
4 District may condemn only an easement. All such
5 condemnation proceedings shall be under the direction
6 of the Commissioners and in the name of the District,
7 and the assessment of damages and all procedures with
8 reference to condemnation, appeal and payment shall be
9 in conformity with the Statutes of this State as
10 provided in the title of the Revised Civil Statutes of
11 Texas relating to 'Eminent Domain.' In the event it
12 becomes necessary in the exercise of the powers
13 conferred by this Act that any railroad line or right
14 of way should be relocated, the cost of such relocation
15 and any damage incurred in changing and adjusting the
16 lines and grades of such railroad shall be paid by the
17 District. The damages to the owner of public utilities
18 and communication facilities and properties shall
19 include the actual loss, costs and expenses incident
20 to the removal as well as the relocation of the
21 facilities and properties, including the costs of
22 installing the facilities in a new location, and the
23 costs of any land or rights or interest in land, and
24 any other property rights acquired to accomplish such
25 removal and relocation.

26 . . .

27 Revisor's Note

28 (1) Section 2(i), Chapter 370, Acts of the 53rd
29 Legislature, Regular Session, 1953, refers to
30 "properties of any kind . . . real, personal or
31 mixed." The revised law omits the reference to "real,
32 personal or mixed" property because under Section
33 311.005(4), Government Code (Code Construction Act),
34 "property" includes both real and personal property,
35 and "mixed" property is property consisting of both
36 real and personal property.

37 (2) Section 2(i), Chapter 370, Acts of the 53rd
38 Legislature, Regular Session, 1953, provides that the
39 district may acquire certain property "by
40 condemnation." The revised law substitutes for the
41 quoted language "by exercising the power of eminent
42 domain" because the phrases have the same meaning and
43 the latter phrase is consistent with modern usage in
44 laws relating to eminent domain.

45 (3) Section 2(i), Chapter 370, Acts of the 53rd
46 Legislature, Regular Session, 1953, provides that the
47 district must exercise the power of eminent domain in

1 the manner provided by "general law for condemnation
2 by counties." The revised law substitutes for the
3 quoted language a reference to Chapter 21, Property
4 Code, because that is the general law governing
5 eminent domain for governmental entities, including
6 counties.

7 (4) Section 2(i), Chapter 370, Acts of the 53rd
8 Legislature, Regular Session, 1953, provides that "the
9 right of eminent domain is expressly conferred in this
10 District." The revised law substitutes for the quoted
11 language a statement that the district "may exercise
12 the power of eminent domain" because the provisions
13 have the same meaning and the reference to the exercise
14 of the power of eminent domain is consistent with
15 modern usage in laws relating to eminent domain.

16 (5) Section 2(i), Chapter 370, Acts of the 53rd
17 Legislature, Regular Session, 1953, refers to "fee
18 simple title" and "fee title." The revised law
19 substitutes "fee simple title" for the latter phrase
20 for consistency of terminology.

21 (6) Section 2(i), Chapter 370, Acts of the 53rd
22 Legislature, Regular Session, 1953, refers to
23 "persons, firms and corporations." The revised law
24 omits the reference to "firms and corporations"
25 because under Section 311.005(2), Government Code
26 (Code Construction Act), "person" is defined to
27 include a corporation or any other legal entity.

28 (7) Section 2(i), Chapter 370, Acts of the 53rd
29 Legislature, Regular Session, 1953, requires the
30 district's procedures for condemnation to conform to
31 "the Statutes of this State as provided in the title of
32 the Revised Civil Statutes of Texas relating
33 to 'Eminent Domain.'" The title of the Revised
34 Statutes to which the quoted language refers is Title

1 Revisor's Note

2 Section 4, Chapter 370, Acts of the 53rd
3 Legislature, Regular Session, 1953, refers to "moneys
4 and/or funds" on hand. Throughout this chapter, the
5 revised law substitutes "money" for the quoted or
6 similar language because, in context, the meaning is
7 the same and "money" is the more commonly used term.

8 Revised Law

9 Sec. 5018.0107. GENERAL AUTHORITY TO MAKE CONTRACTS AND
10 EXECUTE INSTRUMENTS. The district may make a contract or execute an
11 instrument necessary or convenient to exercise a power, right,
12 privilege, or function granted to the district by this chapter.
13 (Acts 53rd Leg., R.S., Ch. 370, Sec. 2 (part).)

14 Source Law

15 Sec. 2. . . . the District shall have and is
16 hereby authorized to exercise the following powers,
17 rights, privileges, and functions:

18 . . .
19 (g) To make contracts and execute instruments
20 necessary or convenient to the exercise of the powers,
21 rights, privileges and functions conferred upon it by
22 this Act.
23 . . .

24 Revised Law

25 Sec. 5018.0108. AUTHORITY TO SUE AND BE SUED. The district
26 may sue and be sued in its corporate name. (Acts 53rd Leg., R.S.,
27 Ch. 370, Sec. 2 (part).)

28 Source Law

29 Sec. 2. . . . the District shall have and is
30 hereby authorized to exercise the following powers,
31 rights, privileges, and functions:

32 . . .
33 (c) To sue and be sued in its corporate name.
34 . . .

35 Revised Law

36 Sec. 5018.0109. SEAL. The district may adopt and use a
37 corporate seal. (Acts 53rd Leg., R.S., Ch. 370, Sec. 2 (part).)

38 Source Law

39 Sec. 2. . . . the District shall have and is
40 hereby authorized to exercise the following powers,
41 rights, privileges, and functions:
42 . . .

1 (d) To adopt, use and alter a corporate seal.
2 . . .

3 Revisor's Note

4 Section 2(d), Chapter 370, Acts of the 53rd
5 Legislature, Regular Session, 1953, states that the
6 district may "adopt, use and alter a corporate seal."
7 The revised law omits "alter" because the power to
8 adopt a seal includes the power to alter it.

9 Revised Law

10 Sec. 5018.0110. POWERS AND LIMITATIONS REGARDING
11 LEVINGSTON ISLAND IN LOUISIANA. (a) On approval by resolution of
12 the board, the district may purchase for the district the following
13 property: Levingston Island, also known as Harbor Island, located
14 in the bend of the Sabine River, opposite the City of Orange and
15 located in Calcasieu Parish, Louisiana.

16 (b) The property purchased under this section is not
17 territory in the district's boundaries. The authority to purchase
18 the property described in this section and the purchase of that
19 property is not the annexation or attempted annexation of the
20 property to the State of Texas from the State of Louisiana.

21 (c) The district may:

22 (1) provide projects and facilities on the property
23 purchased under this section for purposes of economic development
24 to benefit the district; and

25 (2) issue bonds and other obligations of the district
26 secured by the revenue from the projects and facilities provided on
27 the property purchased under this section for the purposes of
28 constructing, acquiring, and maintaining those projects and
29 facilities.

30 (d) The district may not impose ad valorem taxes in the
31 district to finance the projects and facilities provided under this
32 section. (Acts 53rd Leg., R.S., Ch. 370, Sec. 2A.)

33 Source Law

34 Sec. 2A. (a) On approval by resolution of its
35 Board of Commissioners, the District may purchase for
36 the District the following property: Levingston

1 Island, also known as Harbor Island, located in the
2 bend of the Sabine River, opposite the City of Orange
3 and located in Calcasieu Parish, Louisiana.

4 (b) The property purchased under Subsection (a)
5 of this section is not a part of the territory within
6 the boundaries of the District and the authority to
7 purchase the property described in Subsection (a) of
8 this section and the purchase of that property may not
9 be construed as the annexation or attempted annexation
10 of the property to the State of Texas from the State of
11 Louisiana.

12 (c) The District may exercise its authority
13 under this Act to provide various projects and
14 facilities on the property purchased under this
15 section for purposes of economic development to
16 benefit the District and may issue bonds and other
17 obligations of the District secured by the revenues
18 from the projects and facilities provided on the
19 property purchased under this section for the purposes
20 of constructing, acquiring, and maintaining those
21 projects and facilities.

22 (d) The District may not levy and collect
23 property taxes within the District to finance the
24 projects and facilities provided under this section.

25 Revisor's Note

26 Section 2A(d), Chapter 370, Acts of the 53rd
27 Legislature, Regular Session, 1953, provides that the
28 district may not "levy and collect property taxes" for
29 certain purposes. Throughout this chapter, the
30 revised law substitutes "impose" for "levy," "assess,"
31 "collect," and similar terms because "impose" is the
32 term generally used in Title 1, Tax Code, and includes
33 the levying, assessment, and collection of a tax. The
34 revised law also substitutes "ad valorem taxes" for
35 "property taxes" because "ad valorem tax" is the term
36 most commonly used in Texas law to refer to a tax on
37 property.

38 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

39 Revised Law

40 Sec. 5018.0151. DEPOSITORY. The board shall select a
41 depository or depositories for the district in the manner provided
42 by law for the selection of a county depository. (Acts 53rd Leg.,
43 R.S., Ch. 370, Sec. 12.)

44 Source Law

45 Sec. 12. The Board of Commissioners of the
46 District shall select a depository or depositories of
47 said District under the general provisions as are now

1 or may hereafter be provided by law for the selection
2 of depositories for counties in this State.

3 Revised Law

4 Sec. 5018.0152. ACCOUNTS, CONTRACTS, AND OTHER RECORDS;
5 PUBLIC INSPECTION. (a) The board shall cause to be kept complete
6 and accurate accounts conforming to approved methods of
7 bookkeeping.

8 (b) The secretary shall:

9 (1) keep a true and full account of board meetings and
10 proceedings; and

11 (2) preserve board minutes, contracts, notices,
12 accounts, receipts, and other records in a fireproof vault or safe.

13 (c) The records kept and preserved by the secretary under
14 Subsection (b) are:

15 (1) district property; and

16 (2) subject to public inspection. (Acts 53rd Leg.,
17 R.S., Ch. 370, Sec. 9 (part).)

18 Source Law

19 Sec. 9. The Board of Commissioners shall cause
20 to be kept complete and accurate accounts conforming
21 to approved methods of bookkeeping. The Secretary
22 shall keep a true and full account of their meetings
23 and proceedings and preserve their minutes, contracts,
24 records, notices, accounts, receipts, and records of
25 all kinds in a fireproof vault or safe. The same shall
26 be the property of the District and subject to public
27 inspection. . . .

28 Revised Law

29 Sec. 5018.0153. AUTHORITY TO BORROW MONEY, ACCEPT GRANTS,
30 AND ISSUE ASSOCIATED BONDS. (a) The district may:

31 (1) borrow money for any purpose that is provided by:

32 (A) this chapter; or

33 (B) the general laws relating to navigation
34 districts;

35 (2) borrow money or accept a grant from the United
36 States or from a corporation or agency created or designated by the
37 United States and, in connection with the loan or grant, enter into
38 any agreement the United States or the corporation or agency
39 requires; and

(3) make and issue bonds for money borrowed, in the manner and to the extent provided by this chapter.

(b) The district may make and issue bonds under Subsection (a)(3) that are:

(1) revenue bonds;

(2) tax bonds; or

(3) combination tax-revenue bonds. (Acts 53rd Leg., R.S., Ch. 370, Sec. 2 (part).)

Source Law

Sec. 2. . . . the District shall have and is hereby authorized to exercise the following powers, rights, privileges, and functions:

(h) To borrow money for any of the purposes, consistent with the Constitution, provided by this Act or by the general laws relating to navigation districts (and without limitation of the generality of the foregoing, to borrow money and accept grants from the United States of America, or from any corporation or agency created or designated by the United States of America, and in connection with any such loan or grant to enter into such agreements as the United States of America or such corporations or agencies may require), and to make and issue its negotiable bonds (revenue, tax, and/or combination tax-revenue bonds) for such borrowed money in the manner and to the extent provided herein.

• • •

Revisor's Note

(1) Section 2(h), Chapter 370, Acts of the 53rd Legislature, Regular Session, 1953, authorizes the district to borrow money for certain purposes provided by the act or by general law that are "consistent with the Constitution." The revised law omits the quoted language because the absence of the language does not imply that the legislature could authorize the district to act in a manner that is inconsistent with the constitution and because under Section 311.021(1), Government Code (Code Construction Act), it is presumed that, in enacting a statute, compliance with the constitutions of this state and the United States is intended.

(2) Section 2(h), Chapter 370, Acts of the 53rd

1 Legislature, Regular Session, 1953, authorizes the
2 district to issue "negotiable" bonds. The revised law
3 omits the reference to "negotiable" bonds because
4 Section 1201.041, Government Code, provides that a
5 public security is a negotiable instrument.
6 Throughout this chapter, the revised law omits law
7 that is superseded by Chapter 1201, Government Code,
8 or that duplicates law contained in that chapter.
9 Chapter 1201, Government Code, applies to district
10 bonds under Sections 1201.002 and 1201.003, Government
11 Code.

12 Revised Law

13 Sec. 5018.0154. AUTHORITY TO BORROW MONEY FOR CURRENT
14 EXPENSES; EVIDENCE OF OBLIGATION. (a) The district may:

15 (1) borrow money for current expenses; and

16 (2) evidence the borrowed money by warrants payable
17 not later than the close of the calendar year for which the loan is
18 made.

19 (b) The amount of the warrants may not exceed the
20 anticipated revenue. (Acts 53rd Leg., R.S., Ch. 370, Sec. 2
21 (part).)

22 Source Law

23 Sec. 2. . . .

24 (a) . . . said District shall have the right to
25 borrow funds for current expenses and to evidence the
26 same by warrants payable not later than the close of
27 any calendar year for which loans are made. Such
28 warrants shall never exceed the anticipated revenue
29 and

30 Revisor's Note

31 Section 2(a), Chapter 370, Acts of the 53rd
32 Legislature, Regular Session, 1953, provides that the
33 district's warrants may bear interest at a rate not to
34 exceed six percent. The revised law omits that
35 provision because it is superseded by other law.
36 Chapter 3, Acts of the 61st Legislature, Regular

Session, 1969 (Article 717k-2, Vernon's Texas Civil Statutes), now Chapter 1204, Government Code, established a maximum interest rate for public securities. Section 1204.006, Government Code, reflecting the 1981 amendment of Article 717k-2 by Section 1, Chapter 61, Acts of the 67th Legislature, Regular Session, permits a public agency to issue public securities at any net effective interest rate of 15 percent or less. Throughout this chapter, the revised law omits law that is superseded by Chapter 1204, Government Code, or that duplicates law contained in that chapter. Section 1204.006, Government Code, applies to public securities issued by the district by application of Sections 1204.001 and 1204.002, Government Code. The omitted law reads:

Sec. 2. . . .
 (a) . . . [Such warrants shall never exceed the anticipated revenue and] may bear, not to exceed, six per cent (6%) interest.
 . . .

Revised Law

Sec. 5018.0155. AD VALOREM TAX FOR MAINTENANCE AND OPERATIONS; ELECTION PROCEDURE. (a) The district may impose an annual ad valorem tax at a rate not to exceed 15 cents on each \$100 valuation of taxable property in the district for the maintenance, operation, and upkeep of the district and the facilities, properties, and improvements constructed or acquired by the district.

(b) Elections may be held to increase, reduce, or abate a tax imposed under this section, subject to the limit prescribed by Subsection (a).

(c) A maintenance tax election must be held in the same manner as a bond election. (Acts 53rd Leg., R.S., Ch. 370, Secs. 5 (part), 17 (part).)

1 Legislature, Regular Session, 1953, provides that the
2 receipts of a maintenance and operations tax "shall be
3 used for maintenance, operation, and upkeep of the
4 navigation and port facilities of the District." The
5 revised law omits the quoted language as duplicative
6 of the authorization for the imposition of a tax "for
7 the maintenance, operation, and upkeep of said
8 District and the facilities, properties, and
9 improvements constructed or acquired by said
10 District."

11 (4) Section 5, Chapter 370, Acts of the 53rd
12 Legislature, Regular Session, 1953, provides that the
13 imposition of a maintenance and operations tax must be
14 approved by the district voters at an election.
15 Because an election to impose the maintenance and
16 operations tax was held and a majority of the voters
17 approved the imposition of the tax, the revised law
18 omits that provision as executed. The omitted law
19 reads:

20 Sec. 5. . . . provided, further,
21 that the levying of such tax shall be first
22 submitted to the qualified property
23 taxpaying voters of said District at an
24 election called and held as hereinafter
25 provided and the proposition shall be
26 adopted by a majority vote of those voting
27 at the election. . . .

28 (5) Section 5, Chapter 370, Acts of the 53rd
29 Legislature, Regular Session, 1953, refers to
30 "[s]ubsequent" elections to distinguish between the
31 initial election to authorize the imposition of a
32 maintenance and operations tax by the district and
33 subsequent elections to change the rate of that tax.
34 The revised law omits "[s]ubsequent" because the
35 provision relating to the initial election to
36 authorize the imposition of a maintenance and
37 operations tax is omitted as executed (see Revisor's

1 Note (4) to this section), and the distinction is no
2 longer required.

3 (6) Section 17, Chapter 370, Acts of the 53rd
4 Legislature, Regular Session, 1953, refers to
5 procedures for elections "other than the election
6 called and held under the provisions of Section 6 of
7 this Act." Because that election has been held, the
8 revised law omits the quoted language as executed.

9 Revised Law

10 Sec. 5018.0156. IMPOSITION OF TAXES; TAX CERTIFICATION; TAX
11 ASSESSOR-COLLECTOR. (a) A tax authorized by this chapter, whether
12 for bonds or maintenance purposes, must be imposed by the board.

13 (b) Each year, the board shall certify to the Orange County
14 tax assessor-collector the rate or rates of tax that the board has
15 imposed for bonds and maintenance purposes.

16 (c) The Orange County tax assessor-collector shall assess
17 and collect taxes imposed by the board in the manner provided by
18 Chapter 62, Water Code. (Acts 53rd Leg., R.S., Ch. 370, Sec. 3
19 (part).)

20 Source Law

21 Sec. 3. . . . It is expressly provided,
22 however, that all taxes authorized by this Act,
23 whether for bonds or maintenance purposes, shall be
24 levied by the Board of Commissioners, and said Board
25 each year shall certify to the Tax Assessor-Collector
26 of Orange County the rate or rates of taxes levied for
27 bonds and maintenance purposes, and it shall be the
28 duty of said Tax Assessor-Collector to cause said
29 taxes to be assessed and collected in the manner
30 provided by said Chapter 5.

31 Revisor's Note

32 Section 3, Chapter 370, Acts of the 53rd
33 Legislature, Regular Session, 1953, refers to the
34 assessment and collection of taxes in the manner
35 provided by "said Chapter 5," meaning Chapter 5,
36 General Laws, Acts of the 39th Legislature, Regular
37 Session, 1925. The revised law substitutes a
38 reference to Chapter 62, Water Code, for the quoted

1 language for the reason stated in Revisor's Note (3) to
2 Section 5018.0051.

3 SUBCHAPTER E. BONDS

4 Revised Law

5 Sec. 5018.0201. DEFINITION. In this subchapter, "net
6 revenue" means the gross revenue derived from the operation of the
7 district's improvements and facilities the income of which is
8 pledged to the payment of district bonds less the reasonable
9 expense of maintaining and operating those improvements and
10 facilities, including necessary repair, upkeep, and insurance
11 expenses for those improvements and facilities. (Acts 53rd Leg.,
12 R.S., Ch. 370, Sec. 14(a) (part).)

13 Source Law

14 (a) . . .
15 'Net revenues' as used herein shall mean the gross
16 revenues derived from the operation of those
17 improvements and facilities of the District the income
18 of which is pledged to the payment of the bonds less
19 the reasonable expense of maintaining and operating
20 said improvements and facilities, and said maintenance
21 and operation expenses shall include, among other
22 things, necessary repair, upkeep, and insurance of
23 said improvements and facilities.
24 . . .

25 Revisor's Note

26 Section 14(a), Chapter 370, Acts of the 53rd
27 Legislature, Regular Session, 1953, states that
28 maintenance and operation expenses "include, among
29 other things," certain items. The revised law omits
30 "among other things" because Section 311.005(13),
31 Government Code (Code Construction Act), provides that
32 "includes" and "including" are terms of enlargement
33 and not of limitation and do not create a presumption
34 that components not expressed are excluded.

35 Revised Law

36 Sec. 5018.0202. AUTHORITY TO ISSUE BONDS. (a) To provide
37 money for any purpose provided by this chapter or another law
38 relating to navigation districts, the board may issue bonds
39 secured:

1 (1) solely by a pledge of and payable from the net
2 revenue derived from the operation of all or a designated part of
3 the district's improvements and facilities then in existence or to
4 be constructed or acquired;

5 (2) by a pledge of and payable from an ad valorem tax
6 on all taxable property in the district under Section 59, Article
7 XVI, Texas Constitution; or

8 (3) by a combination of the methods prescribed under
9 Subdivisions (1) and (2).

10 (b) If bonds issued under Subsection (a)(1) are
11 outstanding, the board shall charge and collect fees, tolls, and
12 charges sufficient to:

13 (1) pay all maintenance and operation expenses of the
14 improvements and facilities, the income of which is pledged;

15 (2) pay the interest on the bonds as it accrues;

16 (3) pay the principal of the bonds as it matures; and

17 (4) make any other payments prescribed in the bond
18 order or resolution.

19 (c) If bonds issued under Subsection (a)(2) are
20 outstanding, the board shall annually impose a tax sufficient to
21 pay:

22 (1) the interest on the bonds as it accrues; and

23 (2) the principal of the bonds as it matures.

24 (d) If bonds issued under Subsection (a)(3) are
25 outstanding, the board shall charge and collect fees, tolls, and
26 charges so that, in the manner prescribed in the bond order or
27 resolution, the amount of tax to be collected may be reduced or
28 abated to the extent that the revenue from the operation of the
29 improvements and facilities, the income of which is pledged, is
30 sufficient to:

31 (1) meet the requirements for maintenance and
32 operation of the improvements and facilities; and

33 (2) provide money for the bonds as prescribed in the
34 bond order or resolution.

1 (e) All district bonds must be authorized by board
2 resolution or order.

3 (f) Bonds payable solely from net revenue may be issued
4 without an election. (Acts 53rd Leg., R.S., Ch. 370, Secs. 14(a)
5 (part), (b) (part), (c) (part), (e) (part).)

6 Source Law

7 Sec. 14. (a) For the purpose of providing
8 funds for any of the purposes provided by this Act or
9 other laws relating to navigation districts, the Board
10 of Commissioners shall have the power from time to time
11 to issue negotiable bonds for and on behalf of the
12 District, which bonds may be secured by any one of the
13 following methods:

14 (1) Solely by a pledge of and payable from
15 the net revenues derived from the operation of all or a
16 designated part of the improvements and facilities of
17 the District then in existence or to be constructed or
18 acquired, with the duty on the Board of Commissioners
19 to charge and collect fees, tolls, and charges, so long
20 as the bonds are outstanding, sufficient to pay all
21 maintenance and operation expenses of the improvements
22 and facilities (the income of which is pledged), the
23 interest on such bonds as it accrues, the principal of
24 such bonds as it matures, and to make any and all other
25 payments as may be prescribed in the bond order or
26 resolution; or

27 (2) By a pledge of and payable from an
28 advalorem tax upon all taxable property within the
29 District under Section 59 of Article 16 of the
30 Constitution of Texas, with the duty on the Board of
31 Commissioners each year while the bonds, or any part of
32 them, are outstanding to levy, and cause to be assessed
33 and collected, a tax sufficient to pay the interest on
34 such bonds as it accrues and the principal of such
35 bonds as it matures; or

36 (3) By a combination of the methods
37 prescribed under (1) and (2) above, wherein the bonds
38 are supported and secured by an ad valorem tax, with
39 the duty on the Board of Commissioners to charge and
40 collect fees, tolls, and charges, so long as the bonds
41 are outstanding, so that (in the manner prescribed in
42 the bond order or resolution) the amount of tax to be
43 collected from time to time may be reduced or abated to
44 the extent that the revenues from the operation of said
45 improvements and facilities (the income of which is
46 pledged) are sufficient to meet the requirements for
47 maintenance and operation of said improvements and
48 facilities and to provide funds for the bonds as
49 prescribed in said bond order or resolution.

50 . . .
51 (b) Bonds payable solely from net revenues may
52 be issued by resolution or order of the Board of
53 Commissioners, and no election therefor shall be
54 necessary. . . .

55 (c) All bonds of the District shall be
56 authorized by resolution or order of the Board of
57 Commissioners,

58 (e) In all cases where the District is now or
59 hereafter authorized by any general law of this State
60 to issue revenue bonds payable solely from the

1 revenues from properties acquired or to be acquired or
2 from other revenue-producing properties of the
3 District, such bonds may, at the option of the Board of
4 Commissioners, be further secured by the levy of ad
5 valorem taxes upon all taxable property within said
6 District;

7 Revisor's Note

8 (1) Section 14(a), Chapter 370, Acts of the 53rd
9 Legislature, Regular Session, 1953, provides that the
10 district may issue bonds and collect taxes "from time
11 to time." The revised law omits that phrase because
12 the power to take an action includes the power to act
13 from time to time.

14 (2) Section 14(a), Chapter 370, Acts of the 53rd
15 Legislature, Regular Session, 1953, authorizes the
16 district to issue "negotiable" bonds. The revised law
17 omits the reference to "negotiable" bonds for the
18 reason stated in Revisor's Note (2) to Section
19 5018.0153.

20 Revised Law

21 Sec. 5018.0203. ELECTION FOR BONDS PAYABLE FROM AD VALOREM
22 TAXES. (a) Bonds, other than refunding bonds, payable wholly or
23 partly from ad valorem taxes may not be issued unless authorized by
24 an election called by the board at which a majority of the votes
25 cast favor the bond issuance.

26 (b) Notice of the election must be given by publishing a
27 substantial copy of the order calling the election in a newspaper of
28 general circulation in the district on the same day in each of two
29 successive weeks. The first publication must be not later than the
30 14th day before the date of the election. No other notice of the
31 election is necessary.

32 (c) If the bonds are to be payable solely from taxes, the
33 ballot must have printed on it "For the bonds and the levy of taxes
34 in payment thereof" and the contrary of that proposition.

35 (d) If the bonds are to be payable both from net revenue and
36 taxes, the ballot must have printed on it "For the bonds, the pledge
37 of net revenues, and the levy of taxes adequate to provide for the

1 payment thereof" and the contrary of that proposition. (Acts 53rd
2 Leg., R.S., Ch. 370, Secs. 14(b) (part), (e) (part).)

3 Source Law

4 (b) . . . No bonds wholly or partially supported
5 by taxes, except refunding bonds, shall be issued
6 unless and until they have been authorized at an
7 election called by the Board of Commissioners at which
8 a majority of the duly qualified resident electors of
9 said District who own taxable property within said
10 District and who have duly rendered the same for
11 taxation, voting at said election, have voted in favor
12 thereof. . . . notice of such election shall be given
13 by publication of a substantial copy of the order or
14 resolution calling the election in a newspaper of
15 general circulation within the District on the same
16 day in each of two (2) successive weeks, the first
17 publication to be not less than fourteen (14) days
18 prior to the date of such election. No other notice of
19 election shall be necessary. If the bonds are to be
20 payable solely from taxes, the proposition to appear
21 upon the ballot shall be "For the bonds and the levy of
22 taxes in payment thereof," and the contrary thereof.
23 If the bonds are to be payable both from net revenues
24 and taxes, the proposition to appear upon the ballot
25 shall be "For the bonds, the pledge of net revenues,
26 and the levy of taxes adequate to provide for the
27 payment thereof," and the contrary thereof.

28 (e) . . . provided, that no bonds payable from
29 ad valorem taxes as well as revenues shall be issued
30 until the same have been authorized at an election
31 called and held as provided in this Act for other tax
32 bond elections, at which election a majority of the
33 duly qualified resident electors of said District who
34 own taxable property within said District and who have
35 duly rendered the same for taxation, voting at said
36 election, have voted in favor thereof. . . .

37 Revisor's Note

38 (1) Sections 14(b) and (e), Chapter 370, Acts of
39 the 53rd Legislature, Regular Session, 1953, refer to
40 a vote by "a majority of the duly qualified resident
41 electors of said District who own taxable property
42 within said District and who have duly rendered the
43 same for taxation." The revised law omits the
44 reference to "duly qualified resident electors of said
45 District" for the reason stated in Revisor's Note (3)
46 at the end of Subchapter B. The revised law also omits
47 the reference to voting by persons who own taxable
48 property and render that property for taxation because
49 in Hill v. Stone, 421 U.S. 289 (1975), the United

1 States Supreme Court determined that property
2 ownership as a qualification for voting is an
3 unconstitutional denial of equal protection.

4 (2) Section 14(b), Chapter 370, Acts of the 53rd
5 Legislature, Regular Session, 1953, provides that an
6 election must be held not less than 14 days after the
7 date the election is ordered. The revised law omits
8 the provision as superseded by Section 3.005, Election
9 Code, applicable to the district under Section 1.002,
10 Election Code. Section 3.005, as amended by Chapter
11 84, Acts of the 84th Legislature, Regular Session,
12 2015, requires an election order issued by an
13 authority of a political subdivision to be issued not
14 later than the 62nd or 78th day before election day,
15 depending on when the election is held, and provides
16 that Section 3.005 supersedes a law outside the
17 Election Code to the extent of any conflict. The
18 omitted law reads:

19 (b) . . . Any such election shall be
20 held not less than fourteen (14) days after
21 the date of adoption of the order or
22 resolution calling said election, and
23

24 (3) Section 14(b), Chapter 370, Acts of the 53rd
25 Legislature, Regular Session, 1953, refers to an
26 "order or resolution" calling an election. The
27 revised law omits "resolution" because "order" is the
28 term used in Chapter 3, Election Code.

29 Revised Law

30 Sec. 5018.0204. PROVISIONS OF CERTAIN BOND RESOLUTIONS OR
31 ORDERS; AUTHORITY TO ADOPT OR EXECUTE OTHER PROCEEDINGS OR
32 INSTRUMENTS. (a) In the resolution or order adopted by the board
33 authorizing the issuance of bonds payable wholly or partly from net
34 revenue, the board may:

35 (1) provide for:

36 (A) the flow of money; and

1 (B) the establishment and maintenance of an
2 interest and sinking fund, a reserve fund, and any other funds;

3 (2) make any additional covenants with respect to the
4 bonds, the pledged revenue, and the operation, maintenance, and
5 upkeep of the improvements and facilities the income of which is
6 pledged, including a provision for the leasing of all or a part of
7 the improvements and facilities and the use or pledge of money
8 derived from those leases, as the board considers appropriate;

9 (3) prohibit the further issuance of bonds or other
10 obligations payable from the pledged net revenue;

11 (4) reserve the right to issue additional bonds to be
12 secured by a pledge of and payable from the net revenue on a parity
13 with, or subordinate to, the lien and pledge in support of the bonds
14 being issued, subject to any conditions provided by the resolution
15 or order; or

16 (5) include any other provision or covenant, as
17 determined by the board, that is not prohibited by the Texas
18 Constitution or this chapter.

19 (b) The board may adopt and execute any other proceeding or
20 instrument necessary or convenient to issue the bonds. (Acts 53rd
21 Leg., R.S., Ch. 370, Sec. 14(a) (part).)

22 Source Law

23 (a) . . .
24 In the resolution or order adopted by the Board of
25 Commissioners authorizing the issuance of bonds
26 payable in whole or in part from net revenues, the
27 Board may provide for the flow of funds, the
28 establishment and maintenance of the interest and
29 sinking fund, reserve fund, and other funds, and may
30 make such additional covenants with respect to the
31 bonds and the pledged revenues and the operation,
32 maintenance, and upkeep of those improvements and
33 facilities (the income of which is pledged), including
34 provision for the leasing of all or a part of said
35 improvements and facilities and the use or pledge of
36 moneys derived from leases thereof, as it may deem
37 appropriate. Said resolution or order may also
38 prohibit the further issuance of bonds or other
39 obligations payable from the pledged net revenues, or
40 may reserve the right to issue additional bonds to be
41 secured by a pledge of and payable from said net
42 revenues on a parity with, or subordinate to, the lien
43 and pledge in support of the bonds being issued,
44 subject to such conditions as are set forth in said
45 resolution or order. Such resolution or order may

1 contain such other provisions and covenants, as the
2 Board of Commissioners shall determine, not prohibited
3 by the Constitution of Texas or by this Act, and the
4 Board may adopt and cause to be executed any other
5 proceedings or instruments necessary and/or
6 convenient in the issuance of said bonds.

7 Revised Law

8 Sec. 5018.0205. FORM OF BONDS. District bonds must be:

- 9 (1) issued in the district's name;
10 (2) signed by the president; and
11 (3) attested by the secretary. (Acts 53rd Leg., R.S.,
12 Ch. 370, Sec. 14(c) (part).)

13 Source Law

14 (c) All bonds of the District . . . shall be
15 issued in the name of the District, shall be signed by
16 the President and attested by the Secretary, and
17

18 Revisor's Note

19 Section 14(c), Chapter 370, Acts of the 53rd
20 Legislature, Regular Session, 1953, provides that
21 bonds must bear the district seal, authorizes
22 facsimile signatures of the president and secretary
23 and facsimile seals, and provides that the interest
24 coupons attached to the bonds may be executed by the
25 facsimile signatures of those officers. The revised
26 law omits those provisions because they are superseded
27 and impliedly repealed by or duplicative of general
28 law. The requirement that the bonds bear the district
29 seal was impliedly repealed by Section 3, Bond
30 Procedures Act of 1981 (Article 717k-6, Vernon's Texas
31 Civil Statutes) (revised in pertinent part in 1999 as
32 Section 1201.026(a), Government Code), which provides
33 that bonds may be issued with or without a seal. The
34 authorization for the use of facsimile signatures
35 duplicates Section 1201.026(a), Government Code,
36 which also provides that bonds and interest coupons
37 may be executed with manual or facsimile signatures.
38 The omitted law reads:

1 (c) [All bonds of the District] . . .
2 shall have the seal of the District
3 impressed thereon; provided, that the
4 resolution or order authorizing such bonds
5 may provide for the bonds to be signed by
6 the facsimile signatures of said President
7 and Secretary, either or both, and for the
8 seal of the District on the bonds to be a
9 printed facsimile seal of the seal of the
10 District; and provided further that the
11 interest coupons attached to said bonds may
12 also be executed by the facsimile
13 signatures of said officers. . . .

14 Revised Law

15 Sec. 5018.0206. MATURITY. District bonds must mature not
16 later than 40 years after the date of their issuance. (Acts 53rd
17 Leg., R.S., Ch. 370, Sec. 14(c) (part).)

18 Source Law

19 (c) . . . Such bonds shall mature serially or
20 otherwise in not to exceed forty (40) years from their
21 date or dates, and

22 Revisor's Note

23 Section 14(c), Chapter 370, Acts of the 53rd
24 Legislature, Regular Session, 1953, provides that
25 district bonds shall mature "serially or otherwise."
26 The revised law omits the quoted language because it is
27 superseded by Section 1201.021, Government Code
28 (enacted as Section 3, Bond Procedures Act of 1981
29 (Article 717k-6, Vernon's Texas Civil Statutes)),
30 which provides that the governing body of an issuer may
31 determine the time of payment of public securities it
32 issues, and by Section 1201.022, Government Code
33 (enacted as Section 5(a), Bond Procedures Act of 1981
34 (Article 717k-6, Vernon's Texas Civil Statutes)),
35 which provides that a public security may be issued
36 with specified characteristics, on specified terms, or
37 in a specified manner.

38 Revised Law

39 Sec. 5018.0207. USE OF BOND PROCEEDS. The board may
40 appropriate or set aside out of the proceeds from the sale of any
41 district bonds:

1 (1) an amount for the payment of interest expected to
2 accrue during the period of construction of the improvements or
3 facilities; and

4 (2) an amount necessary to pay all expenses incurred
5 and to be incurred in the issuance, sale, and delivery of the bonds.
6 (Acts 53rd Leg., R.S., Ch. 370, Sec. 14(d).)

7 Source Law

8 (d) From the proceeds of sale of any bonds of the
9 District, the Board of Commissioners may appropriate
10 or set aside out of the bond proceeds an amount for the
11 payment of interest expected to accrue during the
12 period of construction of the improvements or
13 facilities, and an amount necessary to pay all
14 expenses incurred and to be incurred in issuance,
15 sale, and delivery of the bonds.

16 Revised Law

17 Sec. 5018.0208. REFUNDING BONDS. (a) The board may issue
18 refunding bonds of the district to refund any outstanding district
19 bonds and accrued interest on those bonds.

20 (b) Refunding bonds may:

21 (1) as to outstanding bonds payable wholly from taxes,
22 be issued to refund more than one series or issue of the outstanding
23 bonds; and

24 (2) as to outstanding bonds payable wholly or partly
25 from net revenue:

26 (A) be issued to refund more than one series or
27 issue of the outstanding bonds;

28 (B) combine the pledges for the outstanding bonds
29 for the security of the refunding bonds; and

30 (C) be secured by other or additional revenue.

31 (c) Bonds payable solely from net revenue may not be
32 refunded into bonds secured by taxes unless the issuance of the
33 bonds is authorized by a majority of the voters voting at an
34 election held in the same manner as a bond election.

35 (d) Refunding under this section may not impair the contract
36 rights of the holders of any of the outstanding bonds that are not
37 to be refunded.

1 (e) Refunding bonds must:

2 (1) be authorized by a board resolution or order;

3 (2) be executed and mature as provided by this chapter
4 for original bonds; and

5 (3) bear interest at the same or a lower rate than that
6 of the bonds refunded unless it is shown mathematically that a
7 saving will result in the total amount of interest to be paid.

8 (f) The comptroller shall register the refunding bonds on
9 surrender and cancellation of the bonds to be refunded.

10 (g) Instead of issuing bonds to be registered on the
11 surrender and cancellation of the bonds to be refunded, the
12 district, in the resolution or order authorizing the issuance of
13 the refunding bonds, may provide for the sale of the refunding bonds
14 and the deposit of the proceeds in the place or places at which the
15 bonds to be refunded are payable. In that case, the refunding bonds
16 may be issued in an amount sufficient to pay the interest on the
17 bonds to be refunded to their option date or maturity date, and the
18 comptroller shall register the refunding bonds without the
19 surrender and cancellation of the bonds to be refunded. (Acts 53rd
20 Leg., R.S., Ch. 370, Sec. 15 (part).)

21 Source Law

22 Sec. 15. The Board of Commissioners shall have
23 the power to issue refunding bonds of the District for
24 the purpose of refunding any outstanding bonds of the
25 District and accrued interest thereon. As to
26 outstanding bonds payable wholly from taxes, such
27 refunding bonds may be issued to refund more than one
28 series or issue of such outstanding bonds. As to
29 outstanding bonds payable in whole or in part from net
30 revenues, such refunding bonds may be issued to refund
31 more than one series or issue of such outstanding bonds
32 and combine pledges for the outstanding bonds for the
33 security of the refunding bonds, and such refunding
34 bonds may be secured by other and additional revenues;
35 provided, that no bonds payable solely from net
36 revenues may be refunded into bonds secured by taxes
37 unless the same is authorized by a majority vote of the
38 taxpaying voters voting at an election called and held
39 in the same manner as bond elections; and provided,
40 further, that such refunding will not impair the
41 contract rights of the holders of any of the
42 outstanding bonds which are not to be refunded.

43 Refunding bonds shall be authorized by resolution
44 or order of the Board of Commissioners, and shall be
45 executed and mature as is provided in this Act for
46 original bonds. They shall bear interest at the same

1 or lower rate than that of the bonds refunded unless it
2 is shown mathematically that a saving will result in
3 the total amount of interest to be paid. They . . .
4 shall be registered by the Comptroller upon surrender
5 and cancellation of the bonds to be refunded, but in
6 lieu thereof, the resolution or order authorizing
7 their issuance may provide that they shall be sold and
8 the proceeds thereof deposited in the place or places
9 where the original bonds are payable, in which case the
10 refunding bonds may be issued in an amount sufficient
11 to pay the interest on the original bonds to their
12 option or maturity date, and the Comptroller shall
13 register them without the surrender and cancellation
14 of the original bonds. . . .

15 Revisor's Note

16 Section 15, Chapter 370, Acts of the 53rd
17 Legislature, Regular Session, 1953, refers to
18 "taxpaying voters." The revised law omits "taxpaying"
19 for the reason stated in Revisor's Note (1) to Section
20 5018.0203.

21 Revisor's Note
22 (End of Subchapter)

23 (1) Section 14(c), Chapter 370, Acts of the 53rd
24 Legislature, Regular Session, 1953, provides that
25 district bonds may be sold at a price and under terms
26 that the board determines to be the most advantageous
27 reasonably obtainable. The revised law omits that
28 provision because it duplicates or is superseded by
29 provisions of general law. Section 1204.006(b),
30 Government Code, enacted as Section 2(a), Chapter 3,
31 Acts of the 61st Legislature, Regular Session, 1969
32 (Article 717k-2, Vernon's Texas Civil Statutes),
33 provides that an issuer may sell public securities at
34 any price. Section 1201.022, Government Code, as
35 amended in 2001, provides that an issuer may sell
36 public securities "under the terms determined by the
37 governing body of the issuer to be in the issuer's best
38 interests." The omitted law reads:

39 (c) . . . [Such bonds] . . . may be
40 sold at a price and under terms determined
41 by the Board of Commissioners to be most
42 advantageous reasonably obtainable,
43

1 (2) Section 14(c), Chapter 370, Acts of the 53rd
2 Legislature, Regular Session, 1953, provides that
3 district bonds may bear interest at a rate not to
4 exceed six percent. The revised law omits that
5 provision for the reason stated in the revisor's note
6 to Section 5018.0154. The omitted law reads:

7 (c) . . . [bonds . . . may be sold
8 . . . under terms determined by the Board of
9 Commissioners] . . . provided that the
10 interest cost to the District, calculated
11 by the use of standard bond interest tables
12 currently in use by insurance companies and
13 investment houses, does not exceed six per
14 cent (6%) per annum, and

15 (3) Section 14(c), Chapter 370, Acts of the 53rd
16 Legislature, Regular Session, 1953, provides that
17 district bonds may be called, or redeemed, before
18 maturity at the time and price specified in the
19 resolution or order authorizing the bonds. The
20 revised law omits that provision because it duplicates
21 in substance Sections 1201.021 and 1201.022,
22 Government Code, which provide that a public security
23 may be redeemed before maturity and be payable in
24 specified amounts and at specified times. The omitted
25 law reads:

26 (c) . . . within the discretion of
27 the Board such bonds may be callable prior
28 to maturity at such time or times and at
29 such price or prices as may be prescribed in
30 the resolution or order authorizing the
31 bonds. . . .

32 (4) Section 14(c), Chapter 370, Acts of the 53rd
33 Legislature, Regular Session, 1953, provides that
34 district bonds may be made registrable as to principal
35 or as to principal and interest. The revised law omits
36 that provision because it duplicates in substance
37 Section 1201.024(a)(3), Government Code. The omitted
38 law reads:

39 (c) . . . Such bonds may be made
40 registerable as to principal, or as to both
41 principal and interest.

1 . . .

2 (5) Sections 14(c) and (e) and Section 15,
3 Chapter 370, Acts of the 53rd Legislature, Regular
4 Session, 1953, require the district to submit bonds it
5 issues to the attorney general for examination and
6 approval. Sections 14(c) and (e) and Section 15 also
7 provide that after approval the bonds must be
8 registered by the comptroller. Sections 14(c) and 15
9 provide that after approval and registration, district
10 bonds are incontestable except for forgery or fraud.
11 The revised law omits those provisions as superseded
12 by Chapter 1202, Government Code (enacted as Article
13 3, Chapter 53, Acts of the 70th Legislature, 2nd Called
14 Session, 1987). Section 1202.003, Government Code,
15 provides for approval of bonds by the attorney general
16 and requires the attorney general to submit the
17 approved bonds to the comptroller for registration.
18 Section 1202.005, Government Code, requires
19 registration of the bonds by the comptroller. Section
20 1202.006, Government Code, provides that after
21 approval and registration the bonds are incontestable
22 for any reason. Chapter 1202, Government Code,
23 applies to district bonds by application of Sections
24 1202.001 and 1202.003(c), Government Code. The
25 omitted law reads:

26 [Sec. 14]

27 (c) . . .

28 After such bonds have been authorized
29 by the District, such bonds and the record
30 relating to their issuance shall be
31 submitted to the Attorney General of Texas
32 for his examination as to the validity
33 thereof, and after the Attorney General has
34 approved the same, such bonds shall be
35 registered by the Comptroller of Public
36 Accounts of Texas. When such bonds have
37 been approved by the Attorney General,
38 registered by the Comptroller, and
39 delivered to the purchasers, they shall
40 thereafter be incontestable except for
41 forgery or fraud. . . .

42 (e) . . . Such bonds shall be

1 submitted to the Attorney General of Texas
2 for approval and to the Comptroller of
3 Public Accounts of Texas for registration
4 as is provided in this Act for other bonds
5 of the District.

6 Sec. 15. . . . [They] shall be
7 approved by the Attorney General as in the
8 case of original bonds, and All
9 such refunding bonds, after they have been
10 approved by the Attorney General and
11 registered by the Comptroller, shall be
12 incontestable except for forgery or fraud.

13 (6) Section 14(c), Chapter 370, Acts of the 53rd
14 Legislature, Regular Session, 1953, details various
15 procedures regarding approval of bond contracts and
16 proceedings by the attorney general. The revised law
17 omits the portion of Section 14(c) regarding the
18 validity and incontestability of a contract the
19 proceeds of which are pledged to the payment of a bond
20 as impliedly repealed by Section 1202.006, Government
21 Code (enacted as Section 3.002(d), Chapter 53, Acts of
22 the 70th Legislature, 2nd Called Session, 1987).
23 Section 1202.006, Government Code, provides that after
24 approval and registration of the bond, the bond and
25 contract are incontestable for any reason. Section
26 1202.006 applies to district bonds under Sections
27 1202.001 and 1202.003(c), Government Code. The
28 omitted law reads:

29 (c) . . . When any bonds payable in
30 whole or in part from net revenues recite
31 that they are secured partially or
32 otherwise by a pledge of the proceeds of a
33 contract or contracts made between the
34 District and another party or parties
35 (public agencies or otherwise), a copy of
36 such contract or contracts and of the
37 proceedings authorizing the same shall be
38 submitted to the Attorney General along
39 with the bond record, and the approval by
40 the Attorney General of the bonds shall
41 constitute an approval of such contract or
42 contracts, and thereafter the contract or
43 contracts shall be incontestable except for
44 forgery or fraud.

45 (7) Section 16, Chapter 370, Acts of the 53rd
46 Legislature, Regular Session, 1953, provides that
47 district bonds are negotiable instruments and are

1 legal and authorized investments for various entities.
2 The revised law omits those provisions as unnecessary.
3 Section 1201.041, Government Code, provides that any
4 bond is a negotiable instrument. As to several of the
5 entities listed, Section 16 has been superseded and
6 impliedly repealed or it duplicates existing law.
7 Investments in securities by banks are regulated by
8 Section 34.101, Finance Code (enacted in 1995 as
9 Section 5.101, Texas Banking Act (Article 342-5.101,
10 Vernon's Texas Civil Statutes)). Investments by
11 savings banks are regulated by Section 93.001(c)(10),
12 Finance Code (enacted in 1993 as Section 7.15(10),
13 Texas Savings Bank Act (Article 489e, Vernon's Texas
14 Civil Statutes)). Investments in securities by trust
15 companies are regulated by Section 184.101, Finance
16 Code (enacted in 1997 as Section 5.101, Texas Trust
17 Company Act (Article 342a-5.101, Vernon's Texas Civil
18 Statutes)). Investments in securities by building and
19 loan associations (now called savings and loan
20 associations) are regulated by Sections 63.002 and
21 64.001, Finance Code. As to the remaining entities
22 listed, Section 16 is superseded by Section 1201.041,
23 Government Code (enacted as Section 9, Bond Procedures
24 Act of 1981 (Article 717k-6, Vernon's Texas Civil
25 Statutes)). While Section 16 lists "guardians" and
26 Section 1201.041, Government Code, does not, Section
27 1201.041 includes a "fiduciary," and a guardian is a
28 fiduciary. The omitted law reads:

29 Sec. 16. All bonds issued under this
30 Act shall be and are hereby declared to be,
31 and to have all the qualifications of,
32 negotiable instruments under the Negotiable
33 Instruments Law of the State of Texas, and
34 all such bonds shall be and are hereby
35 declared to be legal and authorized
36 investments for banks, savings banks, trust
37 companies, building and loan associations,
38 insurance companies, fiduciaries,
39 trustees, guardians, and for the sinking

1 funds of cities, towns, villages, counties,
2 school districts, or other political
3 corporations or subdivisions of the State
4 of Texas. . . .

5 (8) Section 16, Chapter 370, Acts of the 53rd
6 Legislature, Regular Session, 1953, provides that
7 district bonds may secure deposits of public funds of
8 this state or political subdivisions of this state.
9 The revised law omits the provision relating to the use
10 of district bonds as security for deposits of state
11 funds as impliedly repealed by Section 404.0221,
12 Government Code (enacted in 1995), which lists
13 eligible collateral for deposits of state funds by the
14 comptroller, and by Section 404.031, Government Code
15 (enacted in 1985 as Section 3.001, Article 4393-1,
16 Vernon's Texas Civil Statutes), which provides for the
17 valuation of that collateral. As to securing deposits
18 of other funds, the provision is impliedly repealed by
19 Chapter 2257, Government Code (enacted in 1989 as
20 Article 2592d, Vernon's Texas Civil Statutes), which
21 governs eligible collateral for deposits of funds of
22 other public agencies, including political
23 subdivisions, and permits those deposits to be secured
24 by obligations issued by conservation and reclamation
25 districts. The omitted law reads:

26 Sec. 16. . . . Such bonds shall be
27 eligible to secure the deposit of any and
28 all public funds of the State of Texas, and
29 any and all public funds of cities, towns,
30 villages, counties, school districts, or
31 other political corporations or
32 subdivisions of the State of Texas, and any
33 and all public funds of cities, towns,
34 villages, counties, school districts, or
35 other political corporations or
36 subdivisions of the State of Texas; and such
37 bonds shall be lawful and sufficient
38 security for said deposits to the extent of
39 their face value when accompanied by all
40 unmatured coupons appurtenant thereto.

41 Revisor's Note
42 (End of Chapter)

43 (1) Section 6, Chapter 370, Acts of the 53rd

1 Legislature, Regular Session, 1953, provides
2 procedures for holding an election to elect the
3 district's initial board, confirm the district, and
4 approve the imposition of a maintenance tax. Because
5 the initial directors have been elected and the
6 confirmation of the district and the imposition of a
7 maintenance tax were approved at the election, the
8 revised law omits those provisions as executed. The
9 omitted law reads:

10 Sec. 6. As soon as convenient after
11 the effective date of this Act, the County
12 Judge of Orange County, Texas, shall order
13 an election in said District for the
14 election of five (5) port commissioners,
15 and at which election there shall be
16 submitted the proposition of the
17 confirmation of said District and the
18 levying of the maintenance tax to support
19 said District. The County Judge may require
20 a cash deposit of One Hundred Dollars (\$100)
21 to be deposited with the County Clerk by
22 persons interested as well as a bond to
23 secure the payment of the cost of calling
24 and ordering said election and canvassing
25 and declaring the results of the same,
26 provided that if said election shall carry,
27 the money deposited shall be returned to the
28 persons depositing the same and said bond
29 shall be cancelled and the District shall
30 pay said costs from its available funds, but
31 if said election shall fail to carry, then
32 said money shall be applied on the expenses
33 of election, and if there is any balance it
34 shall be returned to the parties depositing
35 the same, and if the costs shall be more
36 than the amount deposited then the parties
37 signing such bond shall be responsible
38 therefor. Said election shall be held
39 within not less than thirty (30) days nor
40 more than sixty (60) days from the date of
41 the order calling the same. Said election
42 order shall state the time and place of
43 holding said election and shall state the
44 purposes to be voted upon at said election,
45 that is to say, confirmation of the
46 District, election of five (5)
47 Commissioners, and whether or not a
48 maintenance tax is approved by said
49 District, at a rate not to exceed fifteen
50 cents (15¢) on the One Hundred Dollar (\$100)
51 valuation of the property of said District.
52 The County Clerk shall furnish the supplies
53 for said election and cause to be posted and
54 published the notice therefor. Notice of
55 said election shall be given by posting a
56 substantial copy of the election order in
57 each of the election precincts in said
58 District and also at the County Courthouse.

1 Such notice shall also be published on the
2 same day in each of two (2) successive weeks
3 in a newspaper of general circulation
4 published within said District, the date of
5 the first publication to be not less than
6 fourteen (14) days prior to the date of the
7 election. Except as herein provided the
8 manner of holding said election, the
9 returns thereof and canvassing the returns
10 and declaring the results thereof shall be
11 governed by the laws governing general
12 elections. There shall be two (2) ballots
13 prepared for said election, one (1) ballot
14 with the names of the candidates for the
15 positions as Commissioners written or
16 printed thereon, and all those qualified
17 taxpaying property-owning voters shall be
18 qualified to vote for all five (5) said
19 Commissioners. The members of the Board of
20 Commissioners provided for herein shall be
21 elected by the voters of the District at
22 large. Those who desire to have their names
23 printed on the ballot at said election shall
24 make application in writing to the County
25 Judge for a place on the ballot at least
26 twenty (20) days before the date of said
27 election, or upon petition signed by one
28 hundred (100) or more qualified voters of
29 the District any qualified candidate's name
30 shall be placed on said ballot. Those
31 receiving the highest number of votes for
32 the respective places from Precincts One
33 (1), Two (2), Three (3), Four (4) and the
34 County at large on said Commission shall be
35 declared elected.

36 Another ballot shall be prepared for
37 said election and all voters desiring to
38 support the proposition for the
39 confirmation of said District and for the
40 maintenance tax herein mentioned, shall
41 have written or printed upon their ballots
42 the words, 'For the confirmation of the
43 District and the maintenance tax,' and those
44 opposed, the words, 'Against the
45 confirmation of the District and the
46 maintenance tax.'

47 Said election order shall be signed by
48 the County Judge and shall name the judges
49 of the election with authority to appoint
50 their own clerks and assistants, and said
51 election shall be held in each of the voting
52 precincts of said District, and each voter
53 shall vote in the precinct of his residence.
54 The Commissioners Court of said County
55 shall canvass the returns and declare the
56 results of said election at its next regular
57 or special meeting after the date of said
58 election.

59 (2) Section 18, Chapter 370, Acts of the 53rd
60 Legislature, Regular Session, 1953, abolished a
61 previously existing navigation district. The revised
62 law omits the provision as executed because it served
63 its purpose on the date it took effect and is executed

1 law. The omitted law reads:

2 Sec. 18. The Navigation District of
3 Orange County, Texas, created in 1909 is
4 hereby abolished.

5 (3) Section 20, Chapter 370, Acts of the 53rd
6 Legislature, Regular Session, 1953, and Section 5,
7 Chapter 80, Acts of the 55th Legislature, Regular
8 Session, 1957, each provide that the respective act is
9 severable. The revised law omits those provisions
10 because the same result is produced by the application
11 of Section 311.032, Government Code (Code Construction
12 Act), which provides that a provision of a statute is
13 severable from each other provision that can be given
14 effect. The omitted law reads:

15 [Acts 53rd Leg., R.S., Ch. 370]

16 Sec. 20. The provisions of this Act
17 are separable, and if any Section, or part
18 thereof, shall be held unconstitutional or
19 void by any court of competent jurisdiction
20 for any reason, such holding shall not
21 affect the validity of any other Section or
22 part of this Act, and the same shall remain
23 and be in full force and effect, and the
24 Legislature hereby declares that it would
25 have passed the remaining part or parts of
26 this Act.

27 [Acts 55th Leg., R.S., Ch. 80]

28 Sec. 5. If any section, paragraph,
29 clause, phrase, word or other part of this
30 Act or the application thereof to any person
31 or circumstances shall be held to be invalid
32 or unconstitutional, the same shall not
33 affect any other section, paragraph,
34 clause, phrase, word, or other part of the
35 Act or the remainder of the Act and the
36 application of such invalid section,
37 paragraph, clause, phrase, word, or other
38 part of the Act to other persons or
39 circumstances.

40 (4) Section 2, Chapter 80, Acts of the 55th
41 Legislature, Regular Session, 1957, provides that the
42 act does not affect any rights previously vested in or
43 acquired by the district under the terms of Chapter
44 370, Acts of the 53rd Legislature, Regular Session,
45 1953, before its amendment by the act. The revised law
46 omits that provision as executed and because Section

1 311.031(a)(2), Government Code (Code Construction
2 Act), provides that the repeal of a statute does not
3 affect any right, privilege, or obligation previously
4 acquired, accrued, accorded, or incurred under the
5 statute. The omitted law reads:

6 Sec. 2. The provisions of this Act
7 shall not affect any rights heretofore
8 vested in or acquired by the District under
9 the terms of said Chapter 370 prior to its
10 amendment by this Act.

11 (5) Section 3, Chapter 80, Acts of the 55th
12 Legislature, Regular Session, 1957, validates the
13 establishment and boundaries of the district, all acts
14 and governmental proceedings of the board, and all
15 elections held in the district and provides that the
16 act does not apply to pending litigation. Those
17 provisions are omitted from the revised law because
18 they served their purpose on the date they took effect
19 and are executed law. Section 311.031(a)(2),
20 Government Code (Code Construction Act), provides that
21 the repeal of a statute does not affect any validation
22 previously made under the statute. Therefore, the
23 omission of the executed validation provisions does
24 not affect those validations. The omitted law reads:

25 Sec. 3. Said Orange County
26 Navigation and Port District of Orange
27 County, Texas, with boundaries coterminous
28 with those of Orange County, Texas, is
29 hereby in all things validated, and is
30 hereby declared to be a validly existing and
31 operating conservation and reclamation
32 district under Section 59 of Article 16,
33 Constitution of Texas. Without in any way
34 limiting the generalization of the
35 foregoing, it is expressly provided that
36 the elections held December 17, 1955, for
37 the confirmation of the District, the
38 maintenance tax, and the Commissioners, are
39 hereby in all things validated, ratified,
40 and confirmed; and all acts and
41 governmental proceedings of the Board of
42 Commissioners and all elections held in
43 said District are hereby in all things
44 validated, ratified, and confirmed;
45 provided, however, that the validation
46 provision of this sentence shall have no
47 application to litigation pending on the

1 effective date of this Act.